

## ZONING AND ADJUSTMENT BOARD

August 5, 2002

The Zoning and Adjustment Board of Sumter County, Florida convened on Monday, August 5, 2002 at 6:30 P.M. with the following members present: Larry Story, Chairman, Dossie Singleton, Jack Bratton, Rusty Mask, Evan Merritt, Richard Bradley, Lamar Parker, Todd Brown and Dale Nichols. Wayne Lee, Frank Topping and Mark Caruthers were absent. Terry Neal, Board Attorney, was present. Roberta Rogers, Director of Planning & Development, and Aimee Webb, Board Secretary, were also present.

The Board members led everyone in the pledge of allegiance and prayer.

Mr. Bradley made a motion to approve the minutes from the ZAB Meeting on July 1, 2002. Mr. Bratton seconded the motion and the motion carried.

Mr. Story presented the Proof of Publication.

ZP2002-73

Arthur Natteal

Mr. Bradley made a motion to remove the case from the table. Mr. Nichols seconded the motion and the motion carried. Arthur Natteal and Wylene Natteal, his wife, were present and requesting an additional 53 days to conduct their tent revival for Faith & Action Ministries. Mrs. Natteal stated they were no longer using any sound magnifying equipment and the services ended at approximately 8:30 p.m. every evening. There were no objections from the audience. There were no further questions or discussions from the Board. Mr. Bratton made a motion to table the case until the October 7, 2002 Zoning & Adjustment Board meeting. Mr. Nichols seconded the motion and the motion carried.

02S-3

Darwin Rutz

Mr. Nichols made a motion to remove the case from the table. Mr. Merritt seconded the motion and the motion carried. Darwin Rutz was present and requesting a small-scale comprehensive plan amendment from Agricultural to Commercial on 2.4 acres MOL. There were no objections from the audience. Mrs. Rogers presented the Board the information they had requested regarding changing the Land Development Code to allow for the parking of business vehicles on private property. There were no further questions or discussions from the Board. Mr. Bradley made a motion to table the case to a date uncertain allowing the Board time to change the ordinance. Mr. Merritt seconded the motion and the motion carried.

ZP2002-74

Darwin Rutz

Mr. Bradley made a motion to leave the case tabled to a date uncertain. Mr. Merritt seconded the motion and the motion carried.

Mr. Brown made a motion to hear the amendment to the Land Development Code at the September 3, 2002 Zoning & Adjustment Board meeting. The Zoning & Adjustment Board's recommendation would then be forwarded to the Board of County Commissioners. Mr. Merritt seconded the motion and the motion carried.

ZP2002-85

Robert & Barbara Fuchs

Mr. and Mrs. Fuchs were present and requesting a renewal of a Temporary Use Permit for one year to allow a fifth wheel on the property as a temporary residence while the permanent residence is under construction. There were three notices sent. Of the three notices sent, two were received in favor and none were received in objection. There were no further questions or discussion from the Board. Mr. Nichols made a motion to approve the request for the renewal of a Temporary Use Permit for one year to allow a fifth wheel on the property as a temporary residence while the permanent residence is under construction. Mr. Bradley seconded the motion and the motion carried.

02S-5

Oxford Land Holdings, Inc.

Board member, Mr. Brown, declared he had a conflict of interest due to his owning an interest in the property. The applicant's attorney, Mr. Steve Richey, was present and requesting a small-scale comprehensive plan amendment from Agricultural to Commercial on 2.5 acres MOL. There were no objections from the audience. Mrs. Rogers stated the location was in an area of intense development. Mr. Nichols made a motion to recommend approval to the Board of Sumter County Commissioners based on the information provided in the staff report. Mr. Bradley seconded the motion and the motion carried.

ZP2002-88

Oxford Land Holdings, Inc.

Todd Brown, Board member, stated he still had a conflict of interest. Mr. Richey, attorney for the applicant, was present and requesting a rezoning from RR and A1 to CH on 2.50 acres MOL. There were five notices sent. Of the five notices sent, two were received in favor and none in objection. There were no objections from the audience. The Board expressed concerns with approving the CH zoning due to the wide variety of uses and they felt the area was more suitable for the CL zoning. Mr. Richey stated he would be willing to table the case to prepare a Developer's Agreement for the Board to limit the uses. There were no further questions or discussion from the Board. Mr. Nichols made a motion to recommend tabling the case to the September 3, 2002 Zoning and Adjustment Board meeting. Mr. Bradley seconded the motion and the motion carried.

02S-6

Terry Miller

Greg Beliveau, representative for the property owner, was present and requesting a small-scale comprehensive plan amendment from Agricultural to Commercial on 1.8 acres MOL. There were no objections from the audience. Mrs. Rogers stated this location was

also in an area of intense development. There were no further questions or discussion from the Board. Mr. Nichols made a motion to recommend approval to the Board of Sumter County Commissioners based on the information provided in the staff report. Mr. Bradley seconded the motion and the motion carried.

#### ZP2002-89

Terry Miller

Greg Beliveau, representative for the property owner, still being under oath was requesting a rezoning from RR to CL on 1.80 acres MOL. There were four notices sent. Of the four notices sent, there was one received in favor and none in objection. Mr. Beliveau stated Mr. Miller would like to make the property office oriented. There were no further questions or discussions from the Board. Mr. Nichols made a motion to recommend approval to the Board of Sumter County Commissioners based on the information provided in the staff report. Mr. Bradley seconded the motion and the motion carried.

#### ZP2002-87

Mary Thornberry & Harley Britton

Mark Weber, representative for the property owners, was present and requesting a rezoning from C1 to CL on .85 acres MOL to bring the property into compliance with the Future Land Use Map. There were six notices sent. Of the six notices sent, one was received in favor and none in objection. There were no objections from the audience. Mr. Merritt stated he had a conflict of interest with the case. Mr. Weber stated he would like to have his plumbing shop within inside storage on the property. There were no further questions or discussion from the Board. Mr. Nichols made a motion to approve to recommend approval to the Board of Sumter County Commissioners based on the information provided in the staff report. Mr. Brown seconded the motion and the motion carried.

#### ZP2002-91

Kathleen Sanborn & Robert Schwartz

Charles Ryals, representative for the property owners, was present and requesting a rezoning from R1A to R2M on .77 of an acre MOL. There were eight notices sent. Of the eight notices sent, there were two received in favor and none in objection. There were no objections from the audience. There were no further questions or discussion from the Board. Mr. Nichols made a motion to recommend approval to the Board of Sumter County Commissioners based on the information provided in the staff report. Mr. Bradley seconded the motion and the motion carried.

#### ZP2002-92

Ronald Brown

Ben Taylor was present for the applicant. Mr. Taylor did not have written authorization from Mr. Brown to represent him at this hearing. Mr. Bradley made a motion to table the case until the September 3, 2002 Zoning & Adjustment Board meeting. Mr. Brown seconded the motion and the motion carried.

## ZP2002-84

John, Jr. & Bridget Booher

Mr. and Mrs. Booher were present and requesting a rezoning from A5 to A10C on 40 acres MOL to bring the property into compliance with the Future Land Use Map. There were seven notices sent. Of the seven notices sent, one was received in favor and none in objection. There were no objections from the audience. Mrs. Rogers explained to the Board staff had requested the Boothers rezone their property. Mr. Nichols made a motion to recommend approval to the Board of Sumter County Commissioners based on the information provided in the staff report. Mr. Bradley seconded the motion and the motion carried.

## ZP2002-83

John Jr. & Bridget Booher

Mr. and Mrs. Booher were present and requesting a Temporary Use Permit for one year to allow a fifth wheel on the property while their permanent residence is under construction. There were seven notices sent. Of the seven notices sent, one was received in favor and none in objection. There were no objections from the audience. There were no further questions or discussion from the Board. Mr. Nichols made a motion to approve the request for a Temporary Use Permit for one year to allow a fifth wheel on the property while the permanent residence is under construction. Mr. Bradley seconded the motion and the motion carried.

## ZP2002-90

George & Sandra Phillips

Mr. and Mrs. Phillips were present and requesting a Temporary Use Permit to allow a mobile home on the property for three years for a caregiver's residence. There were six notices sent. Of the six notices sent, one was received in favor and none in objection. There were no objections from the audience. There were no further questions or discussion from the Board. Mr. Nichols made a motion to approve the Temporary Use Permit to allow a mobile home on the property for three years for a caregiver's residence. Mr. Bratton seconded the motion and the motion carried.

## ZP2002-94

Robert & Jaye Godin

Mr. and Mrs. Godin were present and requesting a Temporary Use Permit for one year to allow a mobile home on the property while their permanent residence is under construction. Board member, Mr. Mask, declared a conflict of interest due to his business setting up the mobile home. There were eight notices sent. Of the eight notices sent, two were received in favor and none in objection. Mr. Godin requested the Board allow them an additional 45 days to obtain their building permit for the construction of their residence. There were no further questions or discussions from the Board. Mr. Nichols made a motion to approve the Temporary Use Permit for one year to allow a mobile home on the property while the permanent residence is under construction and amending Staff's conditions of approval to allow 45 days for the permanent residence's building permit to be obtained. Mr. Merritt seconded the motion and the motion carried.

ZP2002-86

Stephen & Rue Pelletier

Mr. and Mrs. Pelletier were present and requesting a minor Special Use Permit home occupation for a tractor repair business. There were seven notices sent. Of the seven notices sent, two were received in favor and six in objection. There were three in opposition and several in favor present in the audience. The letters of objection were read into the record. Mr. Pelletier explained he repaired tractors for farmers in the area and buys, repairs and resells other tractors. Mr. Paul Horning, an opposing neighbor, submitted pictures from his driveway of Mr. Pelletier's property into evidence. Mr. Horning had several questions regarding the driveway access, Southwest Florida Water Management District approvals, disposal of the gas and oil, definition of an enclosed building, hours of operation and tractors in the right-of-way. Mr. and Mrs. Detwiler, also in opposition, inquired about the gas and oil disposals and why Mr. Pelletier could not go to the customers' residences. Several audience members stated there was a great need for the business in the area and most of the noise came from traffic on the road not from Mr. Pelletier's business. Commissioner Jim Roberts stated he thought the business was a natural fitting business and was needed with the conditions approved by Staff. There were no further questions or discussion from the Board. Mr. Nichols made a motion to approve the request for a minor Special Use Permit home occupation for a tractor repair business with the following conditions: 1) No outside storage or display except for one tractor for personal use. 2) Only persons who maintain a permanent residence on the parcel shall participate in the business. 3) The hours of operation are to be limited to 8 A.M. – 6P.M. Monday through Friday. 4) The home occupation must comply with all the requirements of Section 13-713, Sumter County Code. Mr. Bradley seconded the motion. Mr. Nichols amended the original motion to also include the building must be completely enclosed within 120 days and the days of operation to Monday through Saturday. Mr. Bradley seconded the amended motion and the motion carried.

Mr. Parker made a motion to adjourn the meeting. Mr. Merritt seconded the motion and the motion carried.

The meeting adjourned at 9:15 p.m.

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Larry Story, Chairman  
Zoning & Adjustment Board